## REMARKS

This application has been carefully reviewed in light of the Office Action dated May 27, 2009. Claims 1 to 4, 6 to 13, 15 to 18, 20 and 22 to 27 are pending in the application. Claims 1, 10, 20 and 27 are independent. Reconsideration and further examination are respectfully requested.

Claims 1, 10, 17, 18 and 20 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 7,028,074 (Ye). Claims 1 to 4, 7, 8, 10 to 13, 15 to 18, 20 and 22 to 26 were rejected under 35 U.S. C. § 102(e) over U.S. Patent No. 6,853,398 (Malzbender). Claim 6 was rejected under §103(a) over Malzbender in view of Ye, and Claim 9 was rejected under §103(a) over Malzbender in view of U.S. Publication No. 2004/0010614 (Mukherjee). The rejections are all respectfully traversed, as detailed more fully below.

The claims generally concern allocation of a service by a first peer to a second peer, wherein the first and second peers are linked by means of a computer communication network. According to one aspect of the claims herein, a distance is evaluated between the first and second peers, wherein the distance is a distance separating nodes in a graphic connection of peers. The first peer selects a service supplied by the first peer, the service being selected according to the evaluated distance. The selected service is allocated to the second peer.

Thus, according to the claims herein, there is an evaluation of distance between the first and second peers, wherein the distance between the first and second peers is a distance separating nodes in a connection graphic of peers. In addition, there is a selection by the first peer of a service supplied by the first peer, the service being selected

according the evaluated distance, with an allocation of the selected service to the second peer.

The applied art does not seem to disclose or to suggest at least the aforementioned features of the claims herein.

For example, Ye concerns collaborative computing, and discloses a plurality of agents with each agent having a related user. The agents communicate via a plurality of channels, such as an audio channel and a video channel. The communication channels are automatically adjusted based on awareness settings for the users. More particularly, in response to receipt of real-time data produced by an event, there is an automatic adjustment of the distances for each of the channels. According to Ye, such an automatic adjustment of distance provides a degree of clarity desired by individual users of a corresponding signal received from another party.

Ye, however, is not seen to disclose or to suggest at least the claimed features of the evaluation of a distance between first and second peers, wherein the distance between the first and second peers is a distance separating nodes in a connection graphic of peers. In addition, Ye is not seen to disclose or suggest a selection by the first peer of a service supplied by the first peer, wherein the service is selected according to the evaluated distance, with an allocation of the selected service to the second peer.

In entering the rejection over Ye, the Office Action took the position that column 4 of Ye describes the evaluation of a distance between first and second peers. As understood by Applicants herein, however, Ye's definition of a distance refers to the clarity with which a receiver can receive a corresponding signal of another party. See Ye, column 4, lines 28-35:

> "The distance refers to how clear the receiver can receive the corresponding signal of the other party. For example, in a video channel, the receiver may get a very clear video image or it may get a fuzzy image or it may only get the image after processing or the transmitting rate might be too high or low, etc. The task of this [function block 455] is to identify the different degrees of clearness of the video image transmitted and then assign to these different degrees a distance number."

Thus, in Ye, distance refers to the clarity of reception and does not refer to a distance separating nodes in a connection graphic of peers.

Moreover, even to the extent that Ye is incorrectly interpreted to show the evaluation of a distance, Ye is not seen to disclose or to suggest other elements claimed herein. For example, according to the claims, there is a selection by the first peer of a service supplied by the first peer, wherein the service is selected according to the evaluated distance. Ye is not seen to disclose or to suggest the selection of a service according to an evaluated distance.

The Office Action cites to Ye's Figure 20, in connection with column 10 thereof, as allegedly disclosing the selection of a service. As best understood, the Office is taking the position that Ye's distances correspond to the claimed service, and that Ye selects a distance. Such an interpretation is believed to be contrary to the interpretation that would be given by those of ordinary skill. More precisely, although Ye might be read by some to disclose the adjustment of a distance, it is not seen to disclose or to suggest the selection of a distance.

Furthermore, the claims specify the allocation of the selected service to a second peer. In keeping with the correlation drawn by the Office between Ye's distance

and the claimed service, it would be necessary for Ye to allocate a distance. According to the rejection, however, there is an allocation of an image. Such an interpretation of Ye is inconsistent with earlier interpretations of Ye, such that a rejection under §102 cannot be maintained.

Stated another way, the claims specify that the thing selected according to the evaluated distance is the same thing that is allocated to the second peer. On the other hand, according to the rejection, one thing is selected according to an evaluated distance, and a completely different thing is allocated.

It is therefore respectfully submitted that the disclosure of Ye does not anticipate the subject matter claimed herein, and withdrawal of the rejection over Ye is respectfully requested.

As for Malzbender, Applicants understand the cited document to disclose a method for real-time video communication in a video communication system which includes a plurality of participants. In the Malzbender system, a plurality of real-time video streams of a local participant is generated from a plurality of viewpoints.

Malzbender is not seen to disclose anything pertinent to the claimed connection graphic of peers, and thus is not seen to disclose or to suggest at least the feature of evaluating a distance between first and second peers, wherein the distance is a distance separating nodes in the connection graphic. In this regard, the Office refers to Malzbender's Figure 6 and references thereto at columns 14 - 16. As understood by Applicants herein, however, Figure 6 is unrelated to a connection graphic. Rather, Figure 6 is a diagram for explaining the plurality of viewpoints from which the plural video streams are generated. See, for example, Malzbender at column 14, lines 4-15:

> "Fig. 6 is a diagram of a virtual environment 600 illustrating multiple communication sessions that are conducted simultaneously and independently of each other, in accordance with one embodiment of the present invention. The virtual environment 600 can be a virtual ballroom, analogous to a virtual chat room in the audio realm, where each of the participants in the virtual environment 600 are free to roam around a coordinate space 605 of the virtual environment 600, and interact with those participants within his/her local vicinity. The present embodiment allows for much larger assemblies of participants than videoconferencing techniques in the prior art, since the view produced for each participant is unique."

Thus, Malzbender's Figure 6 is unrelated to the claimed connection graphic, but rather relates to a virtual environment in which participants interact. As a consequence, Malzbender also does not disclose or suggest the evaluation of a distance between first and second peers, wherein the distance is a distance separating nodes in the connection graphic of peers.

Moreover, and like the deficiencies in the applied Ye patent, Malzbender is also not seen to disclose or to suggest a selection by a first peer of a service supplied by the first peer, wherein the service is selected according to the evaluated distance. It might be true that Malzbender discloses the transmission of images. However, the images are not selected according to an evaluation of a distance between first and second peers, wherein the evaluated distance is a distance separating nodes in a connection graphic of peers.

It is therefore respectfully submitted that the disclosure of Malzbender does not anticipate the rejected claims.

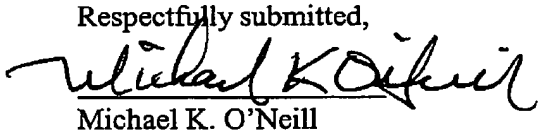
Furthermore, with respect to the rejections of Claims 6 and 9 under

§ 103(a), the combination of Malzbender and Ye, even when considered in combination with the disclosure of Mukherjee, is not seen to disclose or to suggest the subject matter set out in those claims.

It is therefore respectfully submitted that the claims herein recite subject matter that is neither anticipated nor would have been obvious to those of ordinary skill in the art, and allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Michael K. O'Neill
Attorney for Applicants
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

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